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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/669,431	09/25/2003	Wanda Mally	21767.02	4249
37833	7590	03/21/2006	EXAMINER	
LITMAN LAW OFFICES, LTD PO BOX 15035 CRYSTAL CITY STATION ARLINGTON, VA 22215			FRIDIE JR, WILLMON	
			ART UNIT	PAPER NUMBER
			3722	

DATE MAILED: 03/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/669,431	Applicant(s) MALLY, WANDA	
	Examiner Willmon Fridie	Art Unit 3722	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>9/25/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mayer in Kleinert et al.

Mayer discloses a customized cover for binders comprising a lined cover (32) having a continuous exterior surface and a continuous interior surface, said cover having a first end and a second end; a first pocket (62) disposed on said interior surface, said first pocket positioned adjacent said first end; a second pocket (50) spaced from said first pocket and disposed on said interior surface, said second pocket positioned adjacent second end; wherein said first pocket and said second pocket have opposite sides and stitching (48); and decorative designs (34) disposed on said exterior surface.

Mayer lacks the disclosure of a pair of webbing straps attached to the interior surface of the cover and disposed to provide reinforcement. Kleinert et al discloses webbing straps (13) connecting its cover members. It would have been obvious to a skilled artisan at the time of the invention to provide Mayer with the webbing straps of Kleinert to provide reinforcement to the binding assembly.

Claims 4 and 7-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mayer in Wein.

Mayer discloses a customized cover for binders comprising a lined cover (32) having a continuous exterior surface and a continuous interior surface, said cover having a first end and a second end; a first pocket (62) disposed on said interior surface, said first pocket positioned adjacent said first end; a second pocket (50) spaced from said first pocket and disposed on said interior surface, said second pocket positioned adjacent second end; wherein said first pocket and said second pocket have opposite sides and stitching (48); and decorative designs (34) disposed on said exterior surface.

Mayer lacks the disclosure of a means to secure comprising a securing strap and a hook and loop arrangement. Wein discloses such an arrangement comprising the means to secure (56,56'), strap (64) and flap (50) (which is of the hook and loop variety). It would have been obvious to a skilled artisan at the time of the invention to provide Mayer with the securing arrangement as taught by Wein to protect the contents of the portfolio and contain them inside.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mayer in view of Kleinert as applied to claims 1 and 2 above, and further in view of Maldonado.

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Mayer as modified by Kleinert lacks the disclosure of a water repellant material.

Maldonado discloses a binder/portfolio assembly made of a water repellant material.

It would have been obvious to a skilled artisan to form the assembly of Mayer as modified by Kleinert of a water repellant material in the manner as taught by Maldonado in order to protect the contents of the assembly.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mayer in view of Wein as applied to claims 4 and 7-12 above, and further in view of Kleinert.

Mayer in as modified by Wein lacks the disclosure of webbing straps. Kleinert et al discloses webbing straps (13) connecting its cover members. It would have been obvious to a skilled artisan at the time of the invention to provide Mayer as modified by Wein with the webbing straps of Kleinert to provide reinforcement to the binding assembly.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Willmon Fridie whose telephone number is 571 272 4476. The examiner can normally be reached on Monday - Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on 571 272 4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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WILLMON FRIDIE, JR.
PRIMARY EXAMINER